

AMENDED IN ASSEMBLY AUGUST 31, 2005

AMENDED IN ASSEMBLY JUNE 23, 2005

AMENDED IN SENATE MAY 31, 2005

AMENDED IN SENATE APRIL 14, 2005

SENATE BILL

No. 854

Introduced by Senator Ashburn
(Coauthors: Senators Denham and Scott)
(Coauthors: Assembly Members Goldberg and Walters)

February 22, 2005

An act to amend ~~Sections 8484.7 and 8484.8 of, and to add Section 8484.8 of, and to add Sections 8484.75 and 8484.9 to, the~~ Education Code, relating to afterschool programs, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 854, as amended, Ashburn. Community learning centers.

Existing law establishes the After School Education and Safety Program to create incentives to establish locally driven before and after school enrichment programs for pupils in kindergarten and grades 1 to 9, inclusive.

Existing law states the intent of the Legislature that federally funded 21st Century Community Learning Centers complement the existing After School Education and Safety Program by utilizing the existing funding provided under that existing program, and to provide the local flexibility needed to implement the federal 21st Century Community Learning Centers program through direct grants. Existing law, in accordance with the 21st Century Community Learning Centers program contained in the federal No Child Left Behind Act of 2001,

allocates funds appropriated by the Budget Act of 2002 and prescribes requirements related to the allocation of funds, including that a core funding grant conform to the per pupil rate established by the After School Education and Safety Program, that funding for a grant be allocated in annual increments for a period not to exceed 5 years, that 2nd year core funding be fully allocated if a program achieves no less than 85% of the proposed pupil attendance, and that subsequent year core funding be fully allocated if a program achieves no less than 100% of the proposed pupil attendance.

This bill would revise these percentages of pupil attendance, as specified.

The bill would allocate funds appropriated in the annual Budget Act for purposes of those learning center programs. The bill would set maximum per pupil rates, and maximum total grant amounts for before and after school learning center programs, as specified. The bill would require the State Department of Education to allocate 15% of the grant amount for fixed program costs, as specified. The bill would authorize the department to permit a grantee to reallocate the funds to program sites upon extraordinary unforeseen events, as specified.

The bill would establish the Advisory Committee on Before and After School Programs for the purpose of providing information and advice to the Superintendent of Public Instruction, the Secretary for Education, and the State Board of Education regarding state and federal policy and funding issues affecting before and after school programs.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 8484.75 is added to the Education Code,
- 2 to read:
- 3 8484.75. The requirements of the After School Education and
- 4 Safety Program described in Article 22.5 (commencing with
- 5 Section 8482), apply to the program established by this article,
- 6 with the following exceptions as applicable:
- 7 (a) Sections 8482.5, 8482.55, 8483.5, 8483.55, 8483.6,
- 8 8483.7, 8483.75, and 8484.5, do not apply to this article.

1 (b) Any provision of Article 22.5 (commencing with Section
2 8482) that is in conflict with, or duplicative of, any provision of
3 this article.

4 (c) Any provision that is in conflict with applicable federal law
5 or regulations.

6 SEC. 2. Section 8484.8 of the Education Code is amended to
7 read:

8 8484.8. In accordance with Part B of Title IV of the federal
9 No Child Left Behind Act of 2001 (P.L. 107-110), ~~of the funds~~
10 appropriated in Item 6110-197-0890 of Section 2.00 of the
11 Budget Act of 2002, ~~funds shall be~~ are available for expenditure
12 as follows, with any subsequent allocations for these purposes to
13 be determined in the annual Budget Act:

14 (a) The amount of one million dollars (\$1,000,000) shall be
15 available to the department for purposes of providing technical
16 assistance, evaluation and training services, for carrying out
17 programs related to 21st Century Community Learning Center
18 programs.

19 (b) (1) An amount of up to three million five hundred
20 thousand dollars (\$3,500,000) shall be available for direct grants,
21 in an amount not to exceed twenty-five thousand dollars
22 (\$25,000) per site, per year, for community learning center
23 programs that serve middle and elementary school pupils for
24 providing equitable access to, and participation in, community
25 learning center programs, according to needs determined by the
26 local community.

27 (2) The department shall determine the requirements for
28 eligibility for a grant under this subdivision, consistent with the
29 following:

30 (A) Consistent with the local partnership approach inherent in
31 Article 22.5 (commencing with Section 8482), grants awarded
32 under this subdivision shall provide supplemental assistance to
33 programs. It is not intended that a grant fund the full anticipated
34 costs of the services provided by a community learning center
35 program.

36 (B) In determining the need for a grant pursuant to this
37 subdivision, the department shall base its determination on a
38 needs assessment and a determination that existing resources are
39 not available to meet these needs, including, but not limited to, a
40 description of how the needs, strengths, and resources of the

1 community have been assessed, currently available resources,
2 and the justification for additional resources for that purpose.

3 (C) The department shall award grants for a specific purpose,
4 as justified by the applicant.

5 (3) To be eligible to receive a grant under this subdivision, the
6 designated public agency representative for the applicant shall
7 certify that an annual fiscal audit will be conducted and that
8 adequate, accurate records will be kept. In addition, each
9 applicant shall provide the department with the assurance that
10 funds received under this subdivision are expended only for those
11 services and supports for which they are granted. The department
12 shall require grant recipients to submit annual budget reports, and
13 the department ~~shall have the authority to~~ *may* withhold funds in
14 subsequent years if direct grant funds are expended for purposes
15 other than as awarded.

16 (c) Up to one million dollars (\$1,000,000) shall be available
17 for direct grants of up to twenty thousand dollars (\$20,000) per
18 site, per year, for providing family literacy services only to those
19 schoolsites that identify such a need for families of 21st Century
20 Community Learning Center program pupils, and that
21 demonstrate a fiscal hardship by certifying that existing resources
22 including, but not limited to, funding for Title III of the No Child
23 Left Behind Act of 2001 (~~P.L. 107-110~~), Chapter 3 (commencing
24 with Section 300) of Part 1, adult education, community college,
25 and the federal Even Start Program are not available or are
26 insufficient to serve these families. An assurance that the funds
27 received under this subdivision are expended only for those
28 services and supports for which they were granted shall be
29 required.

30 (d) Of the remaining funds in Item 6110-197-0890 of Section
31 2.00 of the Budget Act of 2002, two million five hundred
32 thousand dollars (\$2,500,000) shall be allocated on a priority
33 basis for grants to community learning center programs serving
34 high school pupils, and the remainder of this amount shall be
35 allocated on a priority basis for programs for middle and
36 elementary school pupils.

37 (e) Grant awards under this section shall be restricted to those
38 applications that propose primarily to serve pupils that attend
39 schoolwide programs, as described in Title I of the No Child Left
40 Behind Act of 2001. Competitive priority shall be given to

1 applications that propose to serve children and youth in schools
2 designated as being in need of improvement under subsection (b)
3 of Section 6316 of Title 20 of the United States Code, and that
4 are jointly submitted by school districts and community-based
5 organizations. Applications to serve pupils in programs that have
6 received grants under Article 22.5 (commencing with Section
7 8482) shall be funded only when proposing to expand in
8 additional sites or to add pupils to a currently funded site.

9 ~~(f) (1) Core funding grants for programs serving middle and~~
10 ~~elementary school pupils in before and after school programs~~
11 ~~shall be 150 percent of the per pupil rates and maximum grant~~
12 ~~amounts established pursuant to Sections 8483.7 and 8483.75 for~~
13 ~~similar state funded programs.~~

14 ~~(2) Funding for each grant shall be allocated in annual~~
15 ~~increments for a period not to exceed five years.~~

16 ~~(3) (A) Up to 15 percent of the initial annual grant amount for~~
17 ~~each core grant recipient may be utilized for start-up costs, which~~
18 ~~funding need not be based on pupil attendance.~~

19 ~~(B) In addition to the amount described in subparagraph (A),~~
20 ~~up to 15 percent of each annual grant amount for each core grant~~
21 ~~recipient may be utilized for administrative costs, which funding~~
22 ~~need not be based on pupil attendance.~~

23 ~~(C) Under no circumstance shall funding for start-up or~~
24 ~~administrative costs result in an increase in the grant recipient's~~
25 ~~total funding above the approved grant amount.~~

26 ~~(4) Each grantee shall identify the federal, state, and local~~
27 ~~programs that will be combined or coordinated with the proposed~~
28 ~~program for the most effective use of public resources, and to~~
29 ~~describe a plan for continuing the program beyond federal grant~~
30 ~~funding. Grantees shall submit annual attendance data and results~~
31 ~~to facilitate evaluation and compliance with provisions~~
32 ~~established by the department. Programs receiving grants under~~
33 ~~this subdivision are not assured of grant renewal from future state~~
34 ~~or federal funding at the conclusion of the grant period.~~

35 *(f) (1) Core funding grants for programs serving middle and*
36 *elementary school pupils in before and after school programs*
37 *shall be allocated as follows:*

38 *(A) For after school programs, seven dollars and fifty cents*
39 *(\$7.50) per pupil, per day, up to a maximum grant of one*
40 *hundred twelve thousand five hundred dollars (\$112,500) for*

1 *each regular school year for each elementary school, and one*
2 *hundred fifty thousand dollars (\$150,000) for each regular*
3 *school year for each middle or junior high school.*

4 *(B) For before school programs, five dollars (\$5) per pupil,*
5 *per day, up to a maximum grant of thirty-seven thousand five*
6 *hundred dollars (\$37,500) for each regular school year for each*
7 *elementary school, and forty-nine thousand dollars (\$49,000) for*
8 *each regular school year for each middle or junior high school.*

9 *(2) For an after school component of a program, the maximum*
10 *total grant amount described in subparagraph (A) of paragraph*
11 *(1) may be increased up to a maximum amount of twice the*
12 *respective limits specified in that subparagraph, in accordance*
13 *with the following:*

14 *(A) For elementary schools, one hundred thirteen dollars*
15 *(\$113) per pupil, only for each pupil that exceeds 600 pupils*
16 *enrolled at the schoolsite for the normal schoolday program.*

17 *(B) For middle schools, one hundred thirteen dollars (\$113)*
18 *per pupil, only for each pupil that exceeds 900 pupils enrolled at*
19 *the schoolsite for the normal schoolday program.*

20 *(3) For a before school component of a program, the*
21 *maximum total grant amount described in subparagraph (B) of*
22 *paragraph (1) may be increased up to a maximum amount of*
23 *twice the respective limits specified in that subparagraph, in*
24 *accordance with the following:*

25 *(A) For elementary schools, seventy-five dollars (\$75) per*
26 *pupil, only for each pupil that exceeds 600 pupils enrolled at the*
27 *schoolsite for the normal schoolday program.*

28 *(B) For middle schools, seventy-five dollars (\$75) per pupil,*
29 *only for each pupil that exceeds 900 pupils enrolled at the*
30 *schoolsite for the normal schoolday program.*

31 *(4) A school that establishes an after school component of a*
32 *program pursuant to this article is eligible to receive a*
33 *supplemental grant to operate the program during any*
34 *combination of summer, intersession, or vacation periods for a*
35 *maximum of the lesser of the following amounts:*

36 *(A) Seven dollars and fifty cents (\$7.50) per day per pupil.*

37 *(B) Thirty percent of the total grant amount awarded to the*
38 *school per school year pursuant to this subdivision.*

39 *(5) A school that establishes a before school component of a*
40 *program pursuant to this article is eligible to receive a*

1 supplemental grant to operate the program during any
2 combination of summer, intersession, or vacation periods for a
3 maximum of the lesser of the following amounts:

4 (A) Five dollars (\$5) per day per pupil.

5 (B) Thirty percent of the total grant amount awarded to the
6 school per school year pursuant to this subdivision.

7 (6) (A) The department may reimburse a program grantee for
8 up to 125 percent of the maximum total grant amount for an
9 individual school, so long as the maximum total grant amount for
10 all school programs administered by the program grantee is not
11 exceeded.

12 (B) In order to be eligible for reimbursement, a program
13 grantee that borrows funds for purposes of administering a
14 program established pursuant to this article shall have an
15 established waiting list for enrollment and may borrow only from
16 another program grantee that has met a minimum of 70 percent
17 of its attendance goal.

18 (7) (A) Funding for a grant shall be allocated in annual
19 increments for a period not to exceed five years. The department
20 shall notify new grantees, whose grant awards are contingent
21 upon the appropriation of funds for those grants, in writing no
22 later than June 15 of each year in which new grants are
23 awarded. A first year grant award shall be made no later than 60
24 days after enactment of the annual Budget Act and any
25 authorizing legislation. A grant award for the second and
26 subsequent fiscal years shall be made no later than 30 days after
27 enactment of the annual Budget Act and any authorizing
28 legislation. The grantee shall notify the department in writing of
29 its acceptance of the grant.

30 (B) For the first year of a grant, the department shall allocate
31 15 percent of the grant for that year no later than 30 days after
32 the grantee accepts the grant. For the second and subsequent
33 years of the grant, the department shall allocate 15 percent of the
34 grant for that year no later than 30 days after the annual Budget
35 Act becomes effective. This 15 percent amount is to be used by a
36 grantee for administrative costs and need not be earned through
37 pupil attendance.

38 (C) In addition to the funding allocated pursuant to
39 subparagraph (B), up to 15 percent of the initial annual grant
40 award for each core grant recipient may be utilized for startup

1 costs, which funding need not be earned through pupil
2 attendance.

3 (D) Under no circumstance shall funding made available
4 pursuant to subparagraphs (B) and (C) result in an increase in
5 the total funding of a grantee above the approved grant amount.

6 (E) Payments to a grantee shall be based on quarterly pupil
7 attendance and expenditure reports, as required by the
8 department. If a report is submitted to the department in a timely
9 manner, payments to a grantee based on that report shall be
10 issued within 30 days if its receipt.

11 (8) A grantee shall identify the federal, state, and local
12 programs that will be combined or coordinated with the
13 proposed program for the most effective use of public resources,
14 and shall prepare a plan for continuing the program beyond
15 federal grant funding.

16 (9) A grantee shall submit annual attendance data and results
17 to facilitate evaluation and compliance in accordance with
18 provisions established by the department.

19 (10) A program receiving a grant under this subdivision is not
20 assured of grant renewal from future state or federal funding at
21 the conclusion of the grant period.

22 (g) A total annual grant award for core funding and direct
23 grants for a site serving elementary or middle school pupils shall
24 be fifty thousand dollars (\$50,000) per year or more, consistent
25 with federal requirements.

26 (h) Grants for programs serving high school pupils at
27 schoolsites or sites of other organizations, as determined to be
28 eligible by the department and consistent with the provisions of
29 the 21st Century Community Learning Centers program, shall be
30 available as an annual minimum grant of fifty thousand dollars
31 (\$50,000) per year. Grant funding above the minimum shall be
32 determined in proportion to the average daily attendance of the
33 high school program site or sites to be served and other factors
34 including, but not limited to, proposed attendance and effective
35 use of resources as determined by the department up to two
36 hundred-and fifty thousand dollars (\$250,000) per year for five
37 years. A grantee that establishes a high school program pursuant
38 to this subdivision shall be subject to annual reporting and
39 recertification as required by the department. After the second
40 year, the department shall reduce funding of programs in which

1 actual attendance is significantly below proposed attendance
2 levels. An evaluation of the program funded pursuant to this
3 subdivision shall be submitted no later than 180 days after the
4 completion of the second year of the program. The department
5 shall provide the results of that evaluation and work with the
6 Legislature, the Department of Finance, program providers, and
7 other interested parties to adopt or restructure a high school after
8 school program for California that is both programmatically and
9 fiscally sound. Grantees shall be eligible for fourth and fifth year
10 funding consistent with the restructured requirements. Each
11 grantee shall be required to identify the federal, state, and local
12 programs that will be combined or coordinated with the proposed
13 program for the most effective use of public resources and to
14 describe a plan for continuing the program beyond federal grant
15 funding. Grantees shall be required to submit annual attendance
16 data results to facilitate evaluation and compliance with
17 provisions established by the department. Programs receiving
18 grants under this subdivision are not assured of grant renewal
19 from future state or federal funding at the conclusion of the grant
20 period.

21 *(i) Notwithstanding any other provision of law, and contingent*
22 *upon the availability of funding, the department may adjust the*
23 *core grant cap of any grantee based upon one or both of the*
24 *following:*

25 *(1) Amendments made to this section by the act that added this*
26 *subdivision.*

27 *(2) The demonstrated historical earning pattern of the*
28 *grantee. If an adjustment based upon the demonstrated historical*
29 *earning pattern of the grantee results in a reduction, that*
30 *adjustment shall be based upon at least two years of historical*
31 *earning pattern data for the affected grantee.*

32 ~~(i)~~

33 *(j) Funds received but unexpended under this article may be*
34 *carried forward to subsequent years consistent with federal*
35 *requirements. In year one, the full grant may be retained.*

36 ~~(j)~~

37 *(k) This article shall be operative only to the extent that federal*
38 *funds are made available for the purposes of this article. It is the*
39 *intent of the Legislature that this article not be considered a*
40 *precedent for general fund augmentation of either the state*

1 administered, federally funded program of this article, or any
2 other state funded before or after school program.

3 ~~SECTION 1. Section 8484.7 of the Education Code is~~
4 ~~amended to read:~~

5 ~~8484.7. It is the intent of the Legislature that the 21st Century~~
6 ~~Community Learning Centers program contained within the~~
7 ~~federal No Child Left Behind Act of 2001 (P.L. 107-110)~~
8 ~~complement the After School Education and Safety Program~~
9 ~~established by Article 22.5 (commencing with Section 8482), to~~
10 ~~provide the local flexibility needed to implement federal 21st~~
11 ~~Century Community Learning Centers programs through direct~~
12 ~~grants, as specified in this article.~~

13 ~~SEC. 2. Section 8484.8 of the Education Code is amended to~~
14 ~~read:~~

15 ~~8484.8. In accordance with Part B of Title IV of the federal~~
16 ~~No Child Left Behind Act of 2001 (P.L. 107-110), of the funds~~
17 ~~appropriated in Item 6110-197-0890 of Section 2.00 of the~~
18 ~~annual Budget Act, funds shall be available for expenditure as~~
19 ~~follows:~~

20 ~~(a) The amount of one million dollars (\$1,000,000) shall be~~
21 ~~available to the department for purposes of providing technical~~
22 ~~assistance, evaluation and training services, for carrying out~~
23 ~~programs related to 21st Century Community Learning Center~~
24 ~~programs.~~

25 ~~(b) (1) An amount of up to three million five hundred~~
26 ~~thousand dollars (\$3,500,000) shall be available for direct grants,~~
27 ~~in an amount not to exceed twenty-five thousand dollars~~
28 ~~(\$25,000) per site, per year, for community learning center~~
29 ~~programs that serve middle and elementary school pupils for~~
30 ~~providing equitable access to, and participation in, community~~
31 ~~learning center programs, according to needs determined by the~~
32 ~~local community.~~

33 ~~(2) The department shall determine the requirements for~~
34 ~~eligibility for a grant under this subdivision, consistent with the~~
35 ~~following:~~

36 ~~(A) Consistent with the local partnership approach inherent in~~
37 ~~Article 22.5 (commencing with Section 8482), grants awarded~~
38 ~~under this subdivision shall provide supplemental assistance to~~
39 ~~programs. It is not intended that a grant fund the full anticipated~~

1 ~~costs of the services provided by a community learning center~~
2 ~~program.~~

3 ~~(B) In determining the need for a grant pursuant to this~~
4 ~~subdivision, the department shall base its determination on a~~
5 ~~needs assessment and a determination that existing resources are~~
6 ~~not available to meet these needs, including a description of how~~
7 ~~the needs, strengths, and resources of the community have been~~
8 ~~assessed, currently available resources, and the justification for~~
9 ~~additional resources for that purpose.~~

10 ~~(C) The department shall award grants for a specific purpose,~~
11 ~~as justified by the applicant.~~

12 ~~(3) To be eligible to receive a grant under this subdivision, the~~
13 ~~designated public agency representative for the applicant shall~~
14 ~~certify that an annual fiscal audit will be conducted and that~~
15 ~~adequate, accurate records will be kept. In addition, each~~
16 ~~applicant shall provide the department with the assurance that~~
17 ~~funds received under this subdivision are expended only for those~~
18 ~~services and supports for which they are granted. The department~~
19 ~~shall require grant recipients to submit annual budget reports, and~~
20 ~~the department shall have the authority to withhold funds in~~
21 ~~subsequent years if direct grant funds are expended for purposes~~
22 ~~other than as awarded.~~

23 ~~(e) Up to one million dollars (\$1,000,000) shall be available~~
24 ~~for direct grants of up to twenty thousand dollars (\$20,000) per~~
25 ~~site, per year, for providing family literacy services only to those~~
26 ~~schoolsites that identify a need for families of 21st Century~~
27 ~~Community Learning Center program pupils, and that~~
28 ~~demonstrate a fiscal hardship by certifying that existing resources~~
29 ~~including funding for Title III of the No Child Left Behind Act of~~
30 ~~2001 (P.L. 107-110), Chapter 3 (commencing with Section 300)~~
31 ~~of Part 1, adult education, community college, and the federal~~
32 ~~Even Start Program are not available or are insufficient to serve~~
33 ~~these families. An assurance that the funds received under this~~
34 ~~subdivision are expended only for those services and supports for~~
35 ~~which they were granted shall be required.~~

36 ~~(d) Of the remaining funds in Item 6110-197-0890 of Section~~
37 ~~2.00 of the Budget Act of 2002, two million five hundred~~
38 ~~thousand dollars (\$2,500,000) shall be allocated on a priority~~
39 ~~basis for grants to community learning center programs serving~~
40 ~~high school pupils, and the remainder of this amount shall be~~

~~1 allocated on a priority basis for programs for middle and
2 elementary school pupils.~~

~~3 (e) Grant awards under this section shall be restricted to those
4 applications that propose primarily to serve pupils that attend
5 schoolwide programs, as described in Title I of the No Child Left
6 Behind Act of 2001. Competitive priority shall be given to
7 applications that propose to serve children and youth in schools
8 designated as being in need of improvement under subsection (b)
9 of Section 6316 of Title 20 of the United States Code, and that
10 are jointly submitted by school districts and community-based
11 organizations. Applications to serve pupils in programs that have
12 received grants under Article 22.5 (commencing with Section
13 8482) shall be funded only when proposing to expand in
14 additional sites or to add pupils to a currently funded site.~~

~~15 (f) (1) Core funding grants for programs serving middle and
16 elementary school pupils in before and after school programs
17 shall be allocated as follows:~~

~~18 (A) For after school programs, seven dollars and fifty cents
19 (\$7.50) per pupil, per day, up to a maximum grant of one
20 hundred twelve thousand five hundred dollars (\$112,500) for
21 each regular school year for each elementary school, and one
22 hundred fifty thousand dollars (\$150,000) for each regular school
23 year for each middle or junior high school.~~

~~24 (B) For before school programs, five dollars (\$5) per pupil, per
25 day, up to a maximum grant of thirty-seven thousand five
26 hundred dollars (\$37,500) for each regular school year for each
27 elementary school, and forty-nine thousand dollars (\$49,000) for
28 each regular school year for each middle or junior high school.~~

~~29 (2) (A) Funding for a grant shall be allocated in annual
30 increments for a period not to exceed five years. The department
31 shall notify new grantees in writing no later than July 1 of each
32 year in which new grants are awarded. The grantee shall notify
33 the department in writing of its acceptance of the grant.~~

~~34 (B) For the first year of a grant, the department shall allocate
35 15 percent of the grant for that year no later than 30 days after
36 the grantee accepts the grant. For the second and subsequent
37 years of the grant, the department shall allocate 15 percent of the
38 grant for that year no later than 30 days after the annual Budget
39 Act becomes effective. This 15-percent amount is to be used by a~~

1 ~~grantee for fixed program costs and need not be earned through~~
2 ~~pupil attendance.~~

3 ~~(C) Payments to a grantee shall be based on quarterly pupil~~
4 ~~attendance and expenditure reports, as required by the~~
5 ~~department. If a report is submitted to the department in a timely~~
6 ~~manner, payments to a grantee based on that report shall be~~
7 ~~issued within 30 days if its receipt.~~

8 ~~(3) A first year grant award of core funding shall be fully~~
9 ~~allocated if a program has achieved no less than 70 percent of the~~
10 ~~proposed pupil attendance. Second year core funding shall be~~
11 ~~fully allocated if a program has achieved no less than 80 percent~~
12 ~~of the proposed pupil attendance. Third year core funding shall~~
13 ~~be fully allocated if a program has achieved no less than 90~~
14 ~~percent of the proposed pupil attendance. Subsequent year core~~
15 ~~funding shall be allocated if a program has achieved no less than~~
16 ~~95 percent pupil attendance.~~

17 ~~(4) The department may permit a grantee to reallocate funds to~~
18 ~~sites if a grantee sustains a temporary reduction in pupil~~
19 ~~attendance as a result of natural disaster, civil unrest, imminent~~
20 ~~danger to pupils or staff, or other extraordinary unforeseen event.~~

21 ~~(5) A grantee shall identify the federal, state, and local~~
22 ~~programs that will be combined or coordinated with the proposed~~
23 ~~program for the most effective use of public resources, and to~~
24 ~~describe a plan for continuing the program beyond federal grant~~
25 ~~funding.~~

26 ~~(6) A grantee shall submit annual attendance data and results~~
27 ~~to facilitate evaluation and compliance with provisions~~
28 ~~established by the department.~~

29 ~~(7) A program receiving a grant under this subdivision is not~~
30 ~~assured of grant renewal from future state or federal funding at~~
31 ~~the conclusion of the grant period.~~

32 ~~(g) A total annual grant award for core funding and direct~~
33 ~~grants for a site serving elementary or middle school pupils shall~~
34 ~~be fifty thousand dollars (\$50,000) per year or more, consistent~~
35 ~~with federal requirements.~~

36 ~~(h) A grant for a program serving high school pupils at~~
37 ~~schoolsites or sites of other organizations, as determined to be~~
38 ~~eligible by the department and consistent with the provisions of~~
39 ~~the 21st Century Community Learning Centers program, is~~
40 ~~available as an annual minimum grant of fifty thousand dollars~~

~~(50,000) per year. Grant funding above the minimum shall be determined in proportion to the average daily attendance of the high school program site or sites to be served and other factors including proposed attendance and effective use of resources as determined by the department up to two hundred and fifty thousand dollars (\$250,000) per year for five years. A grantee that establishes a high school program pursuant to this subdivision shall be subject to annual reporting and recertification as required by the department. After the second year, the department shall reduce funding of programs in which actual attendance is significantly below proposed attendance levels. An evaluation of the program funded pursuant to this subdivision shall be submitted no later than 180 days after the completion of the second year of the program. The department shall provide the results of that evaluation and work with the Legislature, the Department of Finance, program providers, and other interested parties to adopt or restructure a high school after school program for California that is both programmatically and fiscally sound. Grantees shall be eligible for fourth and fifth year funding consistent with the restructured requirements. A grantee shall be required to identify the federal, state, and local programs that will be combined or coordinated with the proposed program for the most effective use of public resources and to describe a plan for continuing the program beyond federal grant funding. Grantees shall be required to submit annual attendance data results to facilitate evaluation and compliance with provisions established by the department. A program receiving a grant under this subdivision is not assured of grant renewal from future state or federal funding at the conclusion of the grant period.~~

~~(i) Funds received but unexpended under this article may be carried forward to subsequent years consistent with federal requirements. In year one, the full grant may be retained.~~

~~(j) This article shall be operative only to the extent that federal funds are made available for the purposes of this article. It is the intent of the Legislature that this article not be considered a precedent for General Fund augmentation of either the state administered, federally funded program of this article, or any other state funded before or after school program.~~

SEC. 3. Section 8484.9 is added to the Education Code, to read:

1 8484.9. (a) There is hereby established in the department an
2 Advisory Committee on Before and After School Programs for
3 the purpose of providing information and advice to the
4 Superintendent, the Secretary for Education, and the State Board
5 of Education regarding state and federal policy and funding
6 issues affecting before and after school programs, based on
7 regular and systematic input from providers.

8 (b) The membership of the advisory committee shall consist of
9 all of the following persons,~~all~~ *the majority* of whom shall be
10 operators of before or after school programs:

11 (1) Six persons appointed by the Governor as follows:

12 (A) Two persons who operate an urban before or after school
13 program.

14 (B) Two persons who operate a rural before or after school
15 program.

16 (C) One person from a private foundation or a postsecondary
17 academic institution.

18 (D) One person representing a unified school district.

19 (2) Two persons appointed by the Superintendent as follows:

20 (A) One person who operates a high school after school
21 program.

22 (B) One person from a private foundation or a postsecondary
23 academic institution.

24 (3) Two persons appointed by the Senate Committee on Rules
25 as follows:

26 (A) One person who operates a small elementary after school
27 program.

28 (B) One person who operates a large middle school after
29 school program.

30 (4) Two persons appointed by the Speaker of the Assembly as
31 follows:

32 (A) One person who operates a large elementary school after
33 school program.

34 (B) One person who operates a small middle school after
35 school program.

36 (5) *The Secretary for Education, or his or her designee.*

37 (c) The advisory committee membership shall be
38 representative of the diversity of before and after school
39 programs, regarding geography, size, and public or nonpublic
40 operation.

(d) The advisory committee members shall select one of its members to be the chair of the committee. It is the responsibility of the chair to act as the conduit between the advisory committee and the Superintendent, the state board, and appropriate staff.

(e) The advisory committee shall nominate, and the state board shall confirm, a staff member to serve as consultant to the advisory committee.

(f) The advisory committee shall meet as frequently as necessary but at least three times each year. The meetings of the committee may be conducted by teleconference.

(g) The members of the advisory committee shall serve without compensation, including for travel and per diem expenses.

(h) The advisory committee shall do all of the following:

(1) Provide information on the status of funding provided for before and after school programs in each fiscal year, including the number of applications received, the number of applications funded, and the amount and timing of committed funding.

(2) Provide recommendations on legislative and administrative action needed to ensure that funding for before and after school programs is allocated promptly to qualified providers of before and after school programs.

(3) Provide information on the quality of services and accountability measures.

(4) Provide information regarding challenges faced by before and after school programs that impede the provision of best possible services.

SEC. 4. It is the intent of the Legislature that the increases in per pupil reimbursement rates and maximum grant awards authorized by this act do not reduce the number of children actually served by a core program during the prior year.

~~SEC. 4.~~

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to allocate funds appropriated in the Budget Act of 2005 for learning center programs at the earliest possible time, it is necessary that this act take effect immediately.

1		_____
2	CORRECTIONS:	
3	Heading — Lines 2 and 3.	
4	Text — Page 15.	
5		_____

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